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ABSTRACT

These two technical assistance papers are designed to provide further clarification to Florida school districts regarding the evaluation procedures and determination of eligibility for children with disabilities in transition from the Individuals with Disabilities Education Act (IDEA), Part C, Infants and Toddlers Early Intervention Program to the IDEA, Part B, Prekindergarten Program for Children with Disabilities and on the transportation of students with disabilities. The first paper, revised in June 2000, specifically addresses eligibility, evaluation requirements, and parental consent for the transition to preschool programs. The second technical assistance paper, published in July 2001, is designed to provide guidance as districts continue to provide specialized transportation for students with disabilities and claim the weighted transportation funding. It outlines the following criteria for specialized transportation services: (1) medical equipment required; (2) medical condition that requires a special transportation environment; (3) aide or monitor required due to disability and specific needs of student; (4) shortened day required due to disability and specific needs of student; or (5) assigned school is located in an out-of-district school system. Answers to questions on the role of the transportation representative at individualized education program development meetings, funding, and shortened school days are provided. (CR)

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ED 474 356

Evaluation Procedures and Determination of Eligibility for Children in Transition from Part C to Prekindergarten Programs for Children with Disabilities

[and]

Transportation and Students with Disabilities Technical Assistance Papers

Florida State Department of Education
Division of Public Schools
Bureau of Student Services and Exceptional Education

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Evaluation Procedures and Determination of Eligibility for Children in Transition from Part C to Prekindergarten Programs for Children with Disabilities

Several questions regarding the evaluation of children in transition from the Individuals with Disabilities Education Act (IDEA), Part C, Infants and Toddlers Early Intervention Program, to the IDEA, Part B, Prekindergarten Program for Children with Disabilities, have been identified by school district staff. The purpose of this technical assistance paper (TAP) is to provide guidance regarding requirements related to the evaluation and placement of children in transition from Part C to Part B.

DETERMINATION OF ELIGIBILITY

1. **May school districts use existing screening and evaluation information previously obtained by the Part C Early Intervention Program to determine eligibility for a prekindergarten program for children with disabilities?**

   Yes. For children birth through age five, Rule 6A-6.03026(3)(b), Florida Administrative Code (FAC), entitled, "Special Programs for Prekindergarten Children with Disabilities," states that "existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate," to meet the eligibility criteria of special programs. The purpose of this provision of rule is to minimize the need for the comprehensive reevaluation of very young children and to encourage the use of existing information to complete portions of the initial evaluation process, if such information is **current and appropriate**.

2. **If such evaluation information is current, appropriate, and sufficient for determining eligibility for a prekindergarten program for children with disabilities, must new evaluations be conducted?**

   No. In such a circumstance, additional evaluations do not need to be conducted.

3. **Are there definitions for "current" and "appropriate"?**

   No. There are no specific criteria or time frames that define the terms "current" and "appropriate." Because young children develop at a very rapid rate, it is of critical importance that existing information be carefully reviewed to determine if it represents an accurate assessment of the child's current functioning level. Consequently, in many instances testing and other data that were obtained six to twelve months prior to this

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Revised June 2000

Division of Public Schools
and Community Education
Bureau of Instructional Support
and Community Services

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FLORIDA Department of Education

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review may not reflect the child's current functioning and new data may need to be collected through various means, including additional testing. Professional judgement, knowledge about the individual child and input from the child's parents must be considered when making the decision to use existing testing data to determine eligibility.

4. **Given the circumstance described in question #2, what procedures must the school district follow?**

Section 300.533(a) Title 34 of the Code of Federal Regulations (Title 34) requires, as appropriate, in circumstances of initial evaluation and for all reevaluations that existing information be reviewed. This review must be conducted by a group, consistent with the requirements for the individual educational plan (IEP) team, including the child's parents and qualified professionals, as appropriate. Such a group could review the available evaluation information provided by the Part C program and determine that no new evaluation data are needed. Federal regulations state that this review may be conducted without a meeting. If this review is not conducted in the context of a meeting, there must be documentation of the review process, including the names of individuals participating. As part of the IEP team, the parent must be invited to be a participant in this review process. The school district is also required to obtain parent input in this review process in the event that no meeting is conducted. The school district would then convene a staffing committee meeting to determine eligibility based on the available evaluation information. The staffing committee must include at least three professionals and the parent.

School districts may want to utilize the Part C transition planning meeting for the purpose of conducting the review of existing information.

5. **Must a child transitioning from Part C to Part B who was served as a child with a developmental delay under Part C meet the initial eligibility criteria for programs for children with developmental delay, ages three through five?**

Yes. In this circumstance, the child must meet the initial eligibility criteria as specified in Rule 6A-6.03027, FAC. School districts also have the flexibility to use eligibility criteria specified in other program rules, as appropriate.

6. **Must professionals who conducted Part C evaluations have specific credentials in order for those evaluations to be used in determining eligibility for the Prekindergarten Program for Children with Disabilities?**

Yes. School districts should confer with Part C evaluation personnel to ensure that the credentials of the individuals conducting the evaluation conform to the following requirements:

- ☐ Rule 6A-6.0331(1)(a), FAC, states, in part, "Tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, FAC, or licensed under Chapter 490, Florida Statutes."
- ☐ Rule 6A-4.0331, FAC, provides the requirements for certification in school psychology by the Florida Department of Education. Chapter 490, Florida Statutes, provides the requirements for licensure by the Department of Health, Division of Quality Medical Assurance, for psychologists and school psychologists.
- ☐ Rule 6A-6.0331(1)(b), FAC, states, in part, "The district's evaluation procedures shall provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials."

If the evaluations were not conducted by personnel meeting these requirements, the school district must conduct an evaluation of the child.

PARENTAL CONSENT

7. If the school district does not conduct any additional evaluations to determine eligibility for the Prekindergarten Program for Children with Disabilities, how would the district establish the date for a future reevaluation?

In the event the school district does not conduct any additional evaluations and instead uses existing evaluation information from the Part C program, **the date of the specific evaluation(s) used** by the district to establish eligibility for the Prekindergarten Program for Children with Disabilities would then be used to establish the date for reevaluation. If the eligibility determination was based on data from several evaluations conducted on different dates, **the date of the oldest evaluation** would be used to establish the reevaluation date. This reevaluation must be conducted within three years of the date of the oldest evaluation used. For example, if a cognitive evaluation was conducted on September 1 and a speech evaluation on September 10, September 1 would be used to establish the date for reevaluation. A reevaluation, however, may be conducted at any time in response to the request of a parent or teacher, or if other circumstances warrant a reevaluation.

8. Is parent consent required to review existing screening and evaluation information?

No. Section 300.505(a)(3)(i) of Title 34 states that "parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation." However, the Part C program would be required to obtain consent from the parent prior to releasing records and reports to the school district.

9. In the event the existing information is not sufficient to make a determination of eligibility, and additional evaluations must be conducted, must parent consent be obtained to conduct additional evaluations?

Yes. Parent consent must be obtained by the school district for the purpose of conducting any evaluation. Section 300.505(a)(i) of Title 34 states, "informed parent consent must be obtained before conducting an initial evaluation or reevaluation." If the school district has never provided services (either directly or through a contract with another agency), consent for initial evaluation would be obtained; if the school district has previously served the child, consent for reevaluation would be obtained.

10. For the child served by the Part C program, must written consent for placement be obtained following determination of Part B eligibility and prior to the receipt of special education and related services?

Yes. When parents sign consent for services for their birth through two-year-old child, they are consenting to the provision of "early intervention services." At the time of transition at age three, parents are asked to provide consent for the provision of "special education and related services." Since the content of prior written notice requirements and the procedural safeguards differ between Part C and Part B, the school district must obtain written consent prior to placement of a child in the Part B Prekindergarten Program for Children with Disabilities. Consent must be obtained in all circumstances, including those circumstances in which the school district has provided Part C early intervention services to the child. The exception to this requirement would be the case of a child who will turn three during the school year, and whom the school district elected to serve prior to the child's third birthday under Part B and provide with a free appropriate public education (FAPE). In this circumstance, consent for placement under Part B would have already been obtained, and it would not be necessary to obtain another consent for placement on the child's third birthday.

FLORIDA DEPARTMENT OF EDUCATION

CHARLIE CRIST
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SHAN GOFF, CHIEF
BUREAU OF INSTRUCTIONAL SUPPORT AND
COMMUNITY SERVICES

July 26, 2001

MEMORANDUM #2001-76

TO: Administrators, Exceptional Student Education
Directors, School Transportation

FROM: Shan Goff, Chief, Bureau of Instructional Support and Community Services
Nancy Rivers, Chief, Bureau of School Business Services

SUBJECT: Technical Assistance Paper, Transportation and Students with Disabilities

We are pleased to provide you with a Technical Assistance Paper (TAP) designed to provide guidance as districts continue to provide specialized transportation for students with disabilities and claim the weighted transportation funding. This TAP addresses some of the issues and questions that have been identified.

If you have any questions regarding this information, please contact Margot A. Palazesi at (850) 488-1216, Suncom 278-4246, e-mail at palazem@mail.doe.state.fl.us or Charles Hood at (850) 488-4405, Suncom 278-4405, e-mail at hoodc@mail.doe.state.fl.us.

SG\NR\mp/j

cc: State Advisory Committee Members

Enclosure

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Transportation and Students with Disabilities

STATEMENT OF ISSUE

Students with disabilities who require specialized transportation, as documented on the students' individual educational plans (IEPs), are eligible for weighted transportation funding. The following information provides additional clarification on funding and transportation for students enrolled in exceptional student education programs.

Transportation is considered a related service for a student with disabilities under the Individuals with Disabilities Education Act (IDEA), Part B. All related services, including transportation, that are necessary for a student with disabilities to benefit from special education, must be included on the student's IEP. Transportation as a related service includes any service that would deviate from the district's standard routes, schedules, equipment, or staffing. Students with disabilities who are provided public school transportation as a related service may be eligible for weighted transportation funding. The student must meet one or more of the specific criteria in order to be eligible for weighted funding. These criteria must be described on the IEP. The five specific criteria for specialized transportation services are as follows:

1. Medical equipment required. (Medical equipment is defined as wheelchair, crutches, walker, cane, tracheotomy equipment, positioning or unique seating device.)

2. Medical condition that requires a special transportation environment per a physician's prescription (e.g. tinted windows, dust controlled atmosphere, temperature control).

3. Aide or monitor required due to disability and specific need(s) of student.

4. Shortened day required due to disability and specific need(s) of student.

5. Assigned school is located in an out-of-district (out-of-county) school system.

The five criteria for generating the specialized weighted transportation appear to be self-explanatory; however, the length of the school day was cited as a "finding" in the 1997 U.S. Department of Education, Office of Special Education (OSEP), monitoring report for the State of Florida. This finding relates directly to the issue of "shortened day" as described above in the weighted transportation funding criteria. The report stated that several of the districts monitored did not "consistently ensure that students receive the state mandated length of school day, due to the administrative problems with transportation."

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July 2001

Division of Public Schools and Community Education
Bureau of Instructional Support and Community Services
Division of Support Services
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Section 228.041(13), Florida Statutes, defines the school day as "...that portion of the day in which school is actually in session and shall comprise not less than 5 net hours excluding intermissions, for all grades above third; not less than 4 net hours for the first three grades; and not less than 3 net hours for kindergarten or prekindergarten students with disabilities, or the equivalent as calculated on a weekly basis." Students with disabilities must have the same opportunity to attend the full length of the school day as nondisabled peers. In addition, the instructional day for the students with disabilities must be equal to the instructional day afforded nondisabled peers, unless a shorter day is specified on a student's IEP.

Shortening the student's day due to administrative transportation issues may result in the denial of student's right to a free appropriate public education. If a student with disabilities is in need of a shortened day due to his or her unique needs, the shortened school day, the need for specialized transportation, and the reason for the shortened day must be indicated on the student's IEP.

Beginning in the 1998-99 school year, district monitoring procedures included a specific method to determine compliance with the Florida's Corrective Action Plan as a result of the U.S. Department of Education, Office of Special Education (OSEP), monitoring report "finding" to ensure that the length of the school day for students with disabilities meets the state standards.

As with any service identified on the IEP, an appropriately constituted IEP team must determine the need for transportation as a related service. If the IEP team is considering transportation as a related service, transportation personnel or persons knowledgeable of the district transportation services should be considered as part of the IEP team. Transportation personnel will assist in committing resources that meet the transportation needs of the child. Participation of transportation personnel in the IEP development and review process should be documented on the IEP.

There may be students with disabilities who require transportation as a related service whose needs are not reflected by one or more of the five specific criteria for weighted transportation funding. These transportation related services may include "door to door" stops, stops other than designated approved stops, pick-ups within two miles of the school site, and behavior intervention plans while the child is in transit. School districts must continue to provide related services as indicated on the student's IEP, regardless of the generated funding. For further information regarding transportation as a related service for students with disabilities, please see Technical Assistance Paper FY 1995-4, August, 1994, *Transportation of Exceptional Students and IEP Requirements*.

Transportation as a related service identified on the IEP is not a consideration in determining the funding level of a student in the Exceptional Student Education/Florida Education Finance Program (ESE/FEFP) funding model (cost factors 254 and 255). To generate the weighted funding in transportation for a student with disabilities, the IEP committee must determine that there is a need, the need must meet one or more of the five criteria specified above, and the criteria must be written on the student's IEP as a related service.

QUESTIONS AND ANSWERS

IEP Development

1. Does a transportation representative have to attend the IEP meeting if specialized transportation service is indicated on the IEP?

As stated above, if the IEP committee is considering transportation as a related service, transportation personnel or persons knowledgeable of district transportation services should participate as part of the IEP committee to the extent feasible, given district resources. If a transportation representative is not able to attend, participation could be via telephone conferencing or written recommendations.

2. Are the majority of students with disabilities required to ride a bus designated for exceptional students?

No. The decision to have a student with disabilities ride an "ESE" bus (a bus with a lift or one serving primarily students with disabilities) or a "regular" bus lies with the IEP team. A transportation representative, as a member of the team, should be involved in the decision making process. It is the IEP committee's responsibility to determine the most appropriate means for transporting the student and to reflect that decision on the IEP.

3. If a district makes an administrative decision to place an aide on every bus that serves students with disabilities, must each student's IEP include reference to the aide?

The IEP team must describe in specific detail the need for an aide on a bus for particular student(s). Only those students whose IEPs reflect the need for an aide would generate the weighted funding even if it is district policy to place an aide on all special education buses. The need for an aide on the bus is determined by the IEP committee, on an individual basis, relative to the student's unique needs.

Funding

4. Can the special FTE funding be claimed if the IEP states only that specialized transportation is needed but does not indicate one of the five specific areas?

No. The student transportation general instructions for the FEFP Transportation Survey (Form ESE 233) states, "Each student's Individual Educational Plan (IEP) documentation must contain information which specifies he or she meets one of the (five) criteria for specialized transportation services."

5. Would student participation in a community based instruction program generate specialized funding, if the instruction is occurring at a location other than the home school?

No. Students can be counted only once per day for transportation services. Multiple trips within the school day from center to center or from instructional environment to instructional environment do not generate additional or specialized funding.

6. What is considered medical equipment as described in the five specific criteria for the specialized funding?

Medical equipment is defined as a specific device that meet the unique needs of the child; and specifically described on the child's IEP. Examples are provided in the specific criteria stated above. The use of the equipment to ensure the child's safety, including crash protection, during transit must be beyond the standard specifications of a school bus, federal and state statutes, and recommendations of the National Highway Traffic Safety Administration (NHTSA). This would exclude the everyday use of lap belts or Child Safety Restraint Systems (CSRS).

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Shortened Day

7. What is a shortened school day?

A shortened school day is school day that does not provide the same amount of instructional time or school time as described in Section 228.041(13), Florida Statutes, for students with disabilities as compared to nondisabled peers. For a student in a K-12 program above the third grade, fewer than five hours per day would constitute a shortened day. For a student in grades one through three, fewer than four hours per day would constitute a shortened day. For prekindergarten and kindergarten students, fewer than 15 hours per week of instructional time would constitute a shortened day.

8. Under what conditions would a shortened day be considered for a student with disabilities?

The shortened day must be based on the unique needs of the student and his or her disability, as determined by the IEP team. For example, a shortened day might be necessary for a medically fragile student, a prekindergarten student, or student identified as severely emotionally disturbed. If a student with disabilities must depart prior to the dismissal of the school day due to his or her unique needs and disability, then the child would be eligible for the weighted transportation funding. The child's IEP must describe the related service of transportation, and include a description of the shortened day and the need for a shortened day.

Further information regarding the weighted transportation funding is provided in the *Student Transportation General Instructions,* published annually. This document is available from Financial Management Section, Bureau of School Business Services, Florida Department of Education.

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